



# FAMILY VOICES<sup>®</sup>

Washington DC Update  
February 5, 2020

## Greetings from Washington, DC!

There are two big healthcare news items this week, both generated by the Centers for Medicare and Medicaid Services (CMS):

- CMS issued its long-expected Medicaid “block grant” guidance, outlining how states can obtain waivers to gain greater flexibility in their Medicaid programs (for certain adults) if they agree to limits on the federal Medicaid contributions they receive.
- CMS issued the proposed 2021 Notice of Benefit and Payment Parameters, which sets rules for health insurers and marketplaces under the Affordable Care Act.

Also in this Update: The Food and Drug Administration approved the first drug for treatment of peanut allergies, and the Department of Transportation issued a proposed rule on traveling with service and emotional support animals.

## Other useful information:

- **Beware of Social Security Scams.** The Inspector General of the Social Security Administration has issued a [Fraud Advisory](#) about new twists to Social Security phone and email scams. *Please see the end of this Update for information you can share with families.*
- **Coronavirus:** You can keep up to date on this topic via the [CDC's webpage on the novel coronavirus from China](#). See also [Coronavirus Misinformation Is Spreading Fast](#) (Axios Vitals, 1/28/20).

## AND...

In case you hadn't noticed (☺), IT'S AN ELECTION YEAR! The [Voting & Elections](#) webpage on [USA.gov](#), provides information on who's running (federal, state and local), how to register, when and where you can vote, absentee ballots, and more. If you can't find what you need there, try [VOTE411](#) (from the League of Women Voters). As always, a lot is at stake. Please register, vote, and spread the word.

## **REMINDERS: See the “Your Input Sought” section below for details and information about how to submit comments on the following:**

- **Due Friday, 2/7** – comments on *family caregiving concerns and recommendations*
- **Due Friday, 2/7** – comments on *grandparents raising grandchildren*
- **Due Monday, 3/23** – comments on *Out-of-State Provision of Medicaid Services for Children with Medically Complex Conditions*

## **UPCOMING WEBINARS AND CALLS**

### **Special Enrollment Periods (ACA)**

**Thursday, February 6, 2:00 pm ET**

*Health Reform: Beyond the Basics/Center on Budget and Policy Priorities*

### **Moving Forward: Using the National CLAS Standards to Address Social Justice and Health Equity**

**Thursday, February 6, 1:30-3:00 pm ET**

*SAMHSA's National TA Network for Children's Behavioral Health*

### **Cultural and Linguistic Competence Learning Community Round Table and Office Hours**

**Friday, February 7, 2:00-3:00 pm ET**

*SAMHSA's National TA Network for Children's Behavioral Health*

### **NEW RAISE Family Caregiving Advisory Council Virtual Meeting**

**Tuesday & Wednesday, February 11 & 12, 1:00-4:00 pm ET**

*Administration for Community Living (ACL)*

This will be the second meeting of the advisory council established by the Recognize, Assist, Include, Support, and Engage (RAISE) Family Caregivers Act. The agenda will be posted on the [RAISE webpage](#). In-person attendance is full. The virtual meeting is open to the public. Registration is not required. [Webinar access](#) links for each meeting day will be provided on the RAISE webpage in advance of the meeting dates.

**NOTE: DEADLINE FRIDAY, FEBRUARY 7** - ACL is seeking public input on the challenges faced by family caregivers. [Share your thoughts here.](#)

### **NEW ABLE, the IRS and Tax Advantages - What You Need To Know**

**Thursday, February 13, 2:00 pm ET**

*ABLE National Resource Center*

### **NEW Conversations with GIA [Grantmakers in Aging]: Healthcare Systems and Family Caregiving: What's the Connection?**

**Thursday, February 13, 2:00-3:00 pm ET**

*Grantmakers In Aging*

### **Family Caregiving Policies and Innovations**

**Thursday, February 20, 2:00 pm ET**

*RAISE Family Caregiver Resource and Dissemination Center, National Academy for State Health Policy (NASHP)*

### **REACH for Transition: Developing Independence: Supported Decision-Making, Part 1: Helping Youth/Youth Adults Take Charge of Their Healthcare**

**Tuesday, February 25, 12:00-1:00 pm ET**

*SPAN Parent Advocacy Network*

Family Voices, Inc. • Mailing Address: P.O. Box 37188, Albuquerque, NM 87176 • Physical Address: 3701 San Mateo Blvd NE, Suite 103, Albuquerque, NM 87110 • Phone: 505-872-4774 • Toll Free: 888-835-5669 • Fax: 505-872-4780 • Website: [www.familyvoices.org](http://www.familyvoices.org)

## **Innovative Strategies for Outreaching and Engaging Young People in Behavioral Health Services**

**Tuesday, February 25, 2:00-3:30 pm ET**

*SAMHSA's National TA Network for Children's Behavioral Health*

## **Marketplace Appeals Process (ACA)**

**Tuesday, February 25, 2:00 pm ET**

*Health Reform: Beyond the Basics/Center on Budget and Policy Priorities*

## **Parent Peer Support Providers: Roles Across Systems and Service Level Intensity**

**Thursday, February 27, 3:00-4:30 pm ET**

*Substance Abuse and Mental Health Services Administration (SAMHSA) TA Network*

## **NEW Peer Parent Support in Wraparound: Evolution, Promises, and Challenges**

**Thursday, March 5, 1:00-2:00 pm ET**

*SAMHSA TA Network*

## **Person-Centered Planning and Practice**

**Monday, June 1, 1:00-3:30 pm ET** [last in a [series](#)]

*National Quality Forum/Administration for Community Living; Centers for Medicare and Medicaid Services*

## **MEDICAID/CHIP NEWS, INFORMATION, AND RESOURCES**

### **CMS Guidance Allowing States to Partially “Block Grant” their Medicaid Programs**

On January 30, the Centers for Medicare and Medicaid Services (CMS) issued new [guidance \(in a letter to State Medicaid Directors\)](#) outlining its *Healthy Adult Opportunity (HAO)* initiative for some or all adults in the Medicaid “expansion population” (adults that a state opts to cover pursuant to the Affordable Care Act). See the CMS [press release](#) and [fact sheet](#), and [Overview of the Centers for Medicare & Medicaid Services’ New Medicaid Block Grant Guidance](#) (National Academy for State Health Policy, 2/3/20).

The guidance spells out various policies states could implement by obtaining HAO waivers from otherwise applicable Medicaid requirements. Specifically, the state would gain more flexibility in benefit design, eligibility standards (such as work requirements), cost sharing, limits on prescription drug choices, retroactive eligibility, non-emergency medical transportation services, and other program features. *Notably, states could choose to eliminate the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) benefit for 19- and 20-year-olds.*

In exchange for increased flexibility, the state would receive either a limited, fixed amount of federal Medicaid funds to cover the target population (“block grant”), or funding via a “per capita cap” – a fixed sum per beneficiary in the target population. Normally, states receive federal payments based on

a portion of what they actually spend, without such a limitation on the total amount the federal government will provide.

By opting for a limited federal contribution, a state would take the risk that it will not have enough funding for its Medicaid program due to unexpected cost increases that might result from an epidemic, natural disaster, or new expensive treatment, for example. Should this happen, the state would likely cut eligibility or benefits (possibly for all Medicaid beneficiaries), or cut payment rates to providers, thereby jeopardizing access to care.

Many health-related organizations have expressed opposition to the proposal, including [pharmaceutical manufacturers](#), [provider groups](#) (e.g., the American Medical Association and the American Hospital Association), [children's health groups](#) (e.g., the American Academy of Pediatrics and Children's Hospital Association), and [other patient groups](#). Last week, over 30 House Democrats [wrote to the administration](#) arguing that "block grant" payments are illegal, and this week, the House of Representatives is expected to take up a resolution condemning the initiative ([H.Res. 826](#)). There are likely to be legal challenges to the proposal as well. See [Medicaid Block Grant Policy Could Face High Legal Hurdles](#) (Bloomberg News, 1/28/20). At this point, it is not clear how many states will be interested in the initiative. [Trump Administration Announces Medicaid Funding Overhaul](#) (NBC News, 1/30/20)

There is no public-comment period on the HAO guidance because the law does not require public comments on "sub-regulatory" guidance.

For more information, see [Overview of the Centers for Medicare & Medicaid Services' New Medicaid Block Grant Guidance](#) (National Academy for State Health Policy, 2/3/20); [What Does New Block Grant Guidance Mean for the Medicaid Program?](#) (Commonwealth Fund, *To the Point* blog, 1/31/20); [CMS Rolls Out Guidance To Help States Convert Medicaid Funding into Block Grant](#) (FierceHealthcare, 1/30/20); [Trump Administration's Medicaid Block-Grants Option Touches Off Ideological Fight](#) (Washington Post, 1/30/20).

### **[Medicaid \[Fiscal Accountability\] Rule May Have a Huge Impact](#)**

(Axios Vitals, 2/3/20)

About the Medicaid Fiscal Accountability Regulation (MFAR), on which comments were due on February 1: "Major health industry groups, governors and state Medicaid directors have all raised significant concerns with a Trump administration proposal that would change the rules and oversight of some forms of state Medicaid financing."

### **Issue Briefs about Medicaid Home and Community-Based Care Services**

The Kaiser Family Foundation (KFF) has released two new issue briefs about the latest enrollment and spending data on Medicaid's home and community-based services (HCBS). The briefs contain data about per-enrollee spending on HCBS by target population, HCBS waiver waiting lists, and a discussion of state policy trends, such as implementation of electronic visit verification and value-based payment models. The briefs are: [Medicaid Home and Community-Based Services Enrollment and Spending](#) and [Key State Policy Choices About Medicaid Home and Community-Based Services](#).

## MEDICAID WAIVERS

## ACA NEWS, INFORMATION, AND RESOURCES

### CMS Issues 2021 Proposed Payment Notice and Letter to Issuers

On January 31, the Centers for Medicare & Medicaid Services (CMS) issued the [proposed annual Notice of Benefit and Payment Parameters \(NBPP\) Rule for 2021](#), also known as the Proposed 2021 Payment Notice. See [CMS press release](#). The NBPP sets requirements and standards for Affordable Care Act insurance reforms and the health insurance marketplaces. CMS seeks comment on whether enrollees who automatically re-enroll should have their premium tax credits reduced to \$0 unless they return to the marketplace for a new eligibility determination. Public comments are due on March 2, 2020.

## TRICARE

### From TRICARE Benefits Updates:

[Get to Know Your TRICARE Dental Program](#) (1/30/20)

More TRICARE info can be found at

[www.facebook.com/TRICARE](http://www.facebook.com/TRICARE) and [www.twitter.com/TRICARE](http://www.twitter.com/TRICARE)

Or [Sign up for TRICARE email updates](#).

## OTHER NEWS, INFORMATION, AND RESOURCES

[FDA Approves First Drug for Treatment of Peanut Allergy for Children](#) (FDA News Release, 1/31/20).

See also [First Peanut Allergy Drug Approved by FDA](#) (Washington Post, 1/31/20).

### Traveling by Air with Service Animals

On January 22, the Department of Transportation issued a [proposed rule](#) on traveling by air with service animals. As explained in the [department's press release](#), and [this news article](#), the proposed rule would, among other things: define a service animal as a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability; no longer consider an emotional support animal to be a service animal; consider a psychiatric service animal to be a service animal and require the same training and treatment of psychiatric service animals as other service animals. **Comments are due on or about April 5 and can be submitted [here](#).**

## RESOURCES

### Public Charge Rule

As reported in the [January 29 Update](#), the [Supreme Court lifted a nationwide-ban](#) (injunction) on enforcement of the "public charge" rule, ***pending further appeals***. This means that the administration can start enforcing the rule (except in Illinois, where there is a statewide injunction), although it still may be struck down eventually. The "public charge" rule would make it easier for the government to deny green cards or entry visas to people deemed to be at risk of becoming a "public charge," i.e., dependent on public benefits. ***It is important to remember that the rule does NOT affect children's eligibility for Medicaid or other programs, and that a child's use of such programs will NOT be held against his/her family members.***

See these fact sheets, updated on Feb. 3: [Public Charge Update: What Advocates Need to Know Now](#) and [Changes to Public Charge: Analysis and FAQs](#). A resource for families: [Should I Keep My Kids Enrolled in Health and Nutrition Programs?](#)

## **YOUR INPUT SOUGHT**

**Please pay special attention to the items marked with \*\*\***

Please see above section on Medicaid waivers to comment on *state* waiver proposals.

### **DUE FRIDAY \*\*\*Input Sought from Family Caregivers – due February 7\*\*\***

The Administration for Community Living (ACL) is seeking input, from individuals and organizations, on the challenges faced by family caregivers and ideas about how to address them. This information will be used to assist the [RAISE Family Caregiving Advisory Council](#) in developing a national family caregiving strategy and planning future activities, including public listening sessions that will begin this year. [For more information and to provide your input, please complete this FORM by 11:59 p.m. EST on Friday, February 7, 2020.](#) (Note that commenters are asked for their first names only. Each online comment form is for only one issue, but commenters can easily submit multiple forms.)

### **NEW: Request for Input about Grandparents Raising Grandchildren – due February 7**

The Administration for Community Living (ACL) is requesting information to assist the [Advisory Council to Support Grandparents Raising Grandchildren](#) in developing an initial report to Congress, which will include best practices, resources, and other useful information for grandparents and other older relatives raising children. See the [Federal Register notice](#). ACL seeks public input on information, resources, programs, and/or best practices to help grandparents, other relatives, and kinship caregivers. It is also requesting information about gaps and/or unique needs related to specific caregiver populations, such as Native Americans. **Comments are due by 11:59 p.m. EST on February 7, 2020.** More information and a form to submit comments can be found on [this webpage](#).

### **Organ Donation Regulations – due February 21, 2020**

On December 17, the administration announced a proposed rule intended to increase the number of organ donations. For more information, see the press release, [Organ Procurement Organization \(OPO\) Conditions for Coverage Proposed Rule: Revisions to Outcome Measures for OPOs](#), and [Trump Administration Announces Move Aimed to Increase Organ Donations](#) (The Hill, 12/17/19). **The proposed regulation can be found, and comments can be submitted on [Regulations.gov](#).**

### **DOT Seeks Input on Proposal to Make Airplane Lavatories More Accessible – due March 2**

The U.S. Department of Transportation (DOT) seeks public comments on a new [proposed rule](#) to improve restroom access for passengers with disabilities on single-aisle aircraft with 125 or more seats. The rule is based on [negotiated rulemaking](#) undertaken by DOT's Advisory Committee on Accessible Air Transportation, which included aviation industry representatives, disability rights advocates, and other stakeholders. The proposed regulation addresses lavatory interiors, on-board wheelchairs, and training of flight attendants. **Comments are due by March 2, 2020, and can be submitted [here](#).**

### **\*\*\* Request for Information on Out-of-State Provision of Medicaid Services for Children with Medically Complex Conditions – due March 23\*\*\***

On January 21, the Centers for Medicare and Medicaid Services (CMS) published a [Request for Information](#) on “Coordinating Care from Out-of-State Providers for Children with Medically-Complex Conditions.” CMS is seeking public comments on:

- Best practices for using out-of-state providers in coordinating care for children with medically complex conditions;
- How care is coordinated for such children when that care is provided by out-of-state providers including when care is provided in emergency and non-emergency situations; and
- Processes for screening and enrolling out-of-state providers, including efforts to streamline these processes or reduce the burden of these processes on such providers and states.

Comments are due on March 23, no later than 11:59 pm EST, and can be submitted [HERE](#).

### **FDA Patient Representatives**

Are you a patient or caregiver who wants to get involved at FDA? Contact [the Patient Affairs Staff \(PAS\)](#) or follow them on Twitter [@FDAPatientInfo](#).

### **Submit stories about how Medicaid has helped you to “That’s Medicaid”**

Through its [“That’s Medicaid”](#) initiative, the Robert Wood Johnson Foundation is publicizing stories about how Medicaid has helped people in various situations. These stories might be helpful as you educate policymakers and the public about Medicaid. People can submit their own Medicaid stories [here](#) (scroll down).

### **INFORMATION ON SOCIAL SECURITY SCAMS**

**Beware of Social Security Scams.** The Inspector General of the Social Security Administration has issued a [Fraud Advisory](#) about new twists to Social Security phone and email scams. Consumers should be aware that Social Security will *never*:

- threaten you with arrest or other legal action unless you immediately pay a fine or fee;
- promise a benefit increase or other assistance in exchange for payment;
- require payment by retail gift card, cash, wire transfer, internet currency, or prepaid debit card;
- or
- send official letters or reports containing personally identifiable information via email.

If you actually do need to submit payments to Social Security, the agency will send a letter with instructions and payment options. You should *never* pay a government fee or fine using retail gift cards, cash, internet currency, wire transfers, or pre-paid debit cards. The scammers ask for payment this way because it is very difficult to trace and recover. For more information on Social Security phone scams and how to report them, [click here](#). Learn more about how to spot spam calls and what to do if you receive them from the [Consumer Financial Protection Bureau](#).

To help you inform others of this important information:

- SSA has a one-page flyer available in [English](#) and [Spanish](#).
- The Consumer Financial Protection Bureau offers meal [placemats](#) with information on common scams.

- FTC has short videos on [Social Security](#) and [IRS](#) imposter scams.
- FTC's "[Pass It On](#)" page has resources on many other types of scams and you can [sign up for FTC scam alerts](#) to stay up-to-date on new threats.

We at Family Voices would love to hear any suggestions you might have about how to make the Update more useful to you. Does it provide the right amount of information? What parts are helpful and not so helpful? Please let us know! Comments and questions can be directed to [jguerney@familyvoices.org](mailto:jguerney@familyvoices.org).

Yours truly,  
Janis Guerney  
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Family Voices

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